



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

11	HAROLD GREENBERG,)	No. CV 13-06962-UA
12	Plaintiff,)	
13	v.)	ORDER SUMMARILY REMANDING
14	EMMANUEL HOGARTH, et al.,)	IMPROPERLY-REMOVED ACTION
15	Defendants.)	
16	_____)	

The Court will remand this "Complaint for Breach of Contract. Action Is a Limited Civil Case. Amount Demanded Exceeds \$10,000 but Does Not Exceed \$25,000," Case No. 12K16131, to state court summarily because Defendant removed it improperly.

On September 20, 2013, Defendant Emmanuel Hogarth, Jr., having been sued in what appears to be a breach of contract action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

1 Simply stated, Plaintiff could not have brought this action in
2 federal court in the first place, in that Defendant does not
3 competently allege facts supplying either diversity or federal-
4 question jurisdiction, and therefore removal is improper. 28 U.S.C.
5 § 1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S.
6 546, 563, 125 S.Ct. 2611 (2005). Even if complete diversity of
7 citizenship exists, the amount in controversy does not exceed the
8 diversity-jurisdiction threshold of \$75,000. See 28 U.S.C.
9 §§ 1332, 1441(b). On the contrary, the breach of contract complaint
10 recites that the amount in controversy does not exceed \$25,000.

11 Nor does Plaintiff's breach of contract action raise any federal
12 legal question. See 28 U.S.C. §§ 1331, 1441(b).

13 Accordingly, **IT IS ORDERED** that (1) this matter be **REMANDED** to
14 the Superior Court of California, Los Angeles County, Central
15 District, 111 N. Hill Street, Los Angeles, California 90012 for lack
16 of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2)
17 that the Clerk send a certified copy of this Order to the state court;
18 and (3) that the Clerk serve copies of this Order on the parties.

19 **IT IS SO ORDERED.**

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21 DATED: 10/2/13



HONORABLE GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE